

REMARKS

The application has been reviewed in light of the Final Office Action mailed November 17, 2004. Claims 1-11 were pending at the time of the office action. Claims 1-11 were rejected. Applicants have amended Claims 1 and 7, and respectfully request reconsideration and favorable action in this case.

Double Patenting Rejection

The Examiner rejected Claims 1-11 based on the judicially created doctrine of obviousness-type double patenting over Claims 1-15 of U.S. Patent 6,809,629 issued to Patric Heide et al. Applicants submit a Terminal Disclaimer filed in compliance with 37 C.F.R. 1.32(b) to overcome these rejections along with a check in the amount of \$130.00.

Rejections under 35 U.S.C. §102

Claims 1-2, 7-8, and 10-11 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,438,466 issued to Klaus Voigtlaender et al. ("Voigtlaender et al."). Applicants respectfully traverse and submit that Voigtlaender et al. do not teach a "transmitting and receiving unit transmitting a signal that is modulated over a broad bandwidth." While previously presented Claims 1 and 7 included the previously cited limitation (which has been previously considered and searched), Applicants, in an attempt to clarify the above-quoted limitation have added the following language which clarifies the patentable distinctions between the art and the present invention: "modulated over a broad bandwidth in the microwave band such that an oscillator frequency is varied and modulated within a wide frequency band..." It is respectfully submitted that Voigtlaender et al. fail to disclose or suggest a unit that transmits over a "broad bandwidth," or in the microwave band (Voigtlaender using radar), or a bandwidth "such that an oscillator frequency is varied and modulated within a wide frequency band." Applicants respectfully request withdrawal of the 102(e) rejection. Further, since the "broad bandwidth modulation" limitation was present in the previously presented claims (now clarified however), Applicants request entry of the amendment and favorable action.

Rejections under 35 U.S.C. §103

Claims 1-4, 7-8, and 10-11 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,236,333 issued to Joseph David King ("King") in view of U.S. Patent 6,353,776 issued to Thomas Rohrl et al. ("Rohrl et al."). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of Rohrl et al. and further in view of U.S. Patent 5,956,259 issued to Hal C. Hartsell, Jr. et al. ("Hartsell et al."). Claims 6 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of Rohrl et al., and further in view of U.S. Patent 4,723,121 issued to Andreas van den Boom et al. ("van den Boom et al."). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Voigtlaender et al. in view of Hartsell, Jr. et al. Claims 6 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Voigtlaender et al. in view of van den Boom et al. Applicants respectfully traverse and submit none of the cited combinations of art, even if proper which Applicants do not concede, teach or suggest the use of a "transmitting and receiving unit transmitting a signal that is modulated over a broad bandwidth in the microwave band such that an oscillator frequency is varied and modulated within a wide frequency band." Consequently, a *prima facie* case of obviousness has not been established and Applicants request withdrawal of the objection.

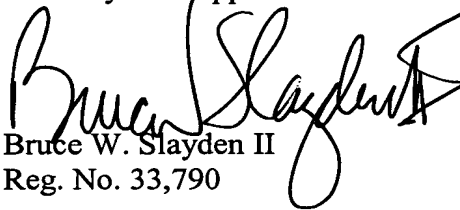
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of the Claims 1-11, as amended.

Applicants believe no fee is due at this time, however, if any fees are due, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Respectfully submitted,

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